REMARKS

All pending claims in the present application have been rejected in the Office Action of January 21, 2005, (hereinafter referred to as the Office Action) under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,747, 970 issued to Lamb et al. (hereinafter referred to as Lamb) in view of US Patent 6,532,218 issued to Shaffer et al. (hereinafter referred to as Shaffer). For the reasons specified herein and below, applicants respectfully request reconsideration and removal of the rejections, and timely allowance of this application.

Introduction to the arguments presented

At the outset of this response, applicant offers this discussion of the general teachings of the cited references and the present application. Following this, a more specific discussion is presented, highlighting where specific claim limitations differentiate from the cited references.

The primary reference cited against the pending claims of the present application is Lamb. This reference generally teaches a telecommunications system which employs computer programs, called software agents, to assist with the establishment of connections between users in a communications network. These agents operate entirely within a computer network, as opposed to the traditional approach of operating within a public switched telephone network (PSTN) or private branch exchange (PBX), to add new functionality to legacy telephony hardware and software (e.g., col. 10, lines

31-58). The invention of Lamb thus provides enhanced telecommunication features and security, resident on a dedicated computer network, to existing telephony networks.

Importantly, not among the enhancements described by Lamb, is a feature at the heart of the present invention: initiating a video conference between two or more participants to an Internet Messaging (IM) session by employing the IM server in communication with a video conference resource allocator. Lamb does discuss processing IM messages, for example at col. 53, lines 37-55, as cited in the Office Action. However, the method and system of Lamb acts purely as a passive conduit for IM messages. For example, Lamb states that:

> A user can ... send a message to the user agent 301-1 to be presented to the user that asks if the user of user agent 301-1 if they are available for a conference call at a specific time. (Col. 53, lines 47-50.)

Lamb does not disclose or suggest, for example, an IM server which communicates with a device (such as a resource allocator) to set up the resources needed for a video conference. Rather, Lamb facilitates standard communications between users (albeit by way of a novel network control system) so that they may, for example, work out the details of initiating some other action, such as a telephone call or a video conference. Lamb further states that:

> The instant message can, for example, contain the identity of the parties to take part in the conference call, and can provide a mechanism for the user that obtains and reads the instant message...to reply "yes" or "no." (Col. 53, lines 50-55.)

That is, Lamb simply facilitates the scheduling of a further communication between parties. In the discussion that follows, Applicant distinguishes this from the claimed allocation of video conferencing resources in response to a request issuing from the IM server (in response to a request from an IM client).

The Shaffer reference generally teaches a video conferencing server capable of scheduling which of several computers simultaneously connected to a video conferencing system has current control of that system. The idea is that during a video conference there may be a need to switch a display between multiple computers, video images, and the like, and Shaffer provides a system and method for controlling this switching and display.

Again, not mentioned or alluded to anywhere in Shaffer is the concept of allocating video conference resources based on communication between an IM server and a video conference server. Indeed, Shaffer makes no mention of IM whatsoever. And while the Office Action cites Shaffer for support for the claim limitation of a second server for supporting video conferences between video conference participants, it appears to applicant that Shaffer only teaches a single conferencing server (22), with no mention of employing or adapting same to operate with a second (IM) server.

While these broad statements of the functioning of the present invention and the Lamb and Shaffer references help in understanding how the invention and the content of the references are conceptually distinct, it is axiomatic that patentable differences must be based in the language of the claims. Accordingly, following is a discussion of how and where the language found in the claims of the present invention differ from the teachings of Lamb and Shaffer.

Currently Pending Claims

Initially, applicant points out that claims 1, 17-19, 28, and 44-46 have been amended herein. Support for these amendments will be found in the application as filed. The two independent claims, 1 and 28, have been amended to recite, *inter alia*:

> a video conference resource allocator, communicatively coupled to said instant messaging server and said second server, said video conference resource allocator adapted to allocate video conference resources in said second server in response to a request for a video conference from said instant messaging server, such that a video conference may be initiated between the at least two client nodes, and further adapted to communicate to the at least two client nodes, via said instant message server resource, information enabling the at least two client nodes to join the video conference.

(Claim 1, lines 8-14, and claim 28, lines 9-16, each as amended herein.) What this limitation says, in part, is that if two IM participants desire to initiate a video conference, one of the users may issue a command which is processed by the IM server they are using for their IM communication. This command is processed by the IM server and

directed to a video conference resource allocator which is capable of, in response to the command, allocating the resources of a second server (e.g., a video conference server) needed for the participants to enter into a video conference. The information needed by the participants to participate in the video conference is then collected by the allocator and directed to the IM server, which may in turn direct that information to the participants who may then use same to join the video conference allocated by the allocator. See, e.g., Figs. 2 and 3 of the present application. A system and method so configured has numerous advantages, such as alleviating the need for a user to exit the IM client, and then separately initiate a video conference.

Neither Lamb nor Shaffer is concerned with integrating IM functionality and video-conferencing functionality, so not surprisingly, this feature is nowhere taught or suggested by either reference. Specifically, neither Lamb nor Shaffer teaches or suggests a video conference resource allocator, communicatively coupled to said instant messaging server and said second server.

While applicant does not concede that the combination of Lamb and Shaffer is proper (as there is no motivation for one of ordinary skill in the art to make such a combination), even if such a combination were proper it would not teach or suggest the claimed elements for the reasons previously discussed. Specifically, such a combination could not teach a video conference resource allocator, communicatively coupled to said instant messaging server and said second server. And Shaffer fails to add any teaching to Lamb which would thereby suggest such a feature. Therefore, applicant asserts that

for at least these reasons, claims 1 and 28 patentably distinguish from Lamb in light of Shaffer. Accordingly, applicant requests reconsideration and allowance of claims 1 and 28.

Claims 2 through 27 directly or indirectly depend from claim 1 and therefore contain all limitations found in claim 1. Therefore, applicant asserts that claims 2 through 27 patentably distinguish from Lamb in light of Shaffer for at least the reasons cited above with regard to claim 1.

Furthermore, claims 2 through 8 claim a system employing various specific protocols in the video conference which are not disclosed or suggested by the cited references.

Claim 9 specifies that the IM server contain the information used by the two client nodes to participate in a video conference. Such an arrangement is nowhere disclosed or suggested by the cited references.

Claims 10 through 16 specify specific types of information that the IM server may contain about how the two client nodes participate in a video conference. Such an arrangement is nowhere disclosed or suggested by the cited references.

Claim 17 recites a data base used to store information about the client nodes used to initiate the video conference. Claim 18 recites that the IM server obtains information from this data base. Such a database is neither disclosed nor suggested by the cited references.

Claims 19 though 27 specify the nature of the information contained in the data base. Such an arrangement is nowhere disclosed or suggested by the cited references.

Therefore, applicant asserts that claims 2 through 27 patentably distinguish from Lamb in light of Shaffer, and reconsideration thereof is respectfully requested.

Likewise, claims 29 through 54 directly or indirectly depend from claim 28 and therefore contain all limitations found in claim 28. Therefore, applicant asserts that claims 29 through 54 patentably distinguish from Lamb in light of Shaffer for at least the reasons cited above with regard to claim 1.

Furthermore, claims 29 through 35 claim a method employing various specific protocols in the video conference which are not disclosed or suggested by the cited references.

Claim 36 specifies that the IM server contain the information used by the two client nodes to participate in a video conference. Such an arrangement is nowhere disclosed or suggested by the cited references.

Claims 37 through 43 specify specific types of information that the IM server may contain about how the two client nodes participate in a video conference. Such an arrangement is nowhere disclosed or suggested by the cited references.

Claim 44 recites a data base used to store information about the client nodes used to initiate the video conference. Claim 45 recites that the IM server obtains

information from this data base. Such a data base is neither disclosed nor suggested by the cited references.

Claims 46 though 54 specify the nature of the information contained in the data base. Such an arrangement is nowhere disclosed or suggested by the cited references.

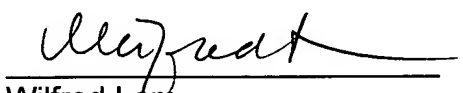
Therefore, applicant asserts that claims 29 through 54 patentably distinguish from Lamb in light of Shaffer, and reconsideration thereof is respectfully requested.

CONCLUSION

In view of the foregoing, applicant asserts that all claims pending in this application distinguish over the cited art and are in condition for allowance. The issuance of a formal Notice of Allowance of this application at the earliest possible date is therefore respectfully requested.

If the Examiner believes that a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-969-8300.

Respectfully submitted,



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AMENDMENTS TO THE DRAWINGS

Please amend the drawings pursuant to 37 C.F.R. 1.121(d) by replacing Sheet 3 as filed, with Replacement Sheet 4, attached. This amendment corrects the caption for Fig. 6 by deleting "Incoming H.32x Call to IM Client" and replacing same with "Incoming Client Call to H.32x".